

4A  
6-12-93

Docket Item B-2a  
Planning Commission  
Tuesday, May 4, 1993  
7:30 p.m., City Hall

CASE MPA-93-003

ISSUE: Consideration of a resolution to amend the Braddock Road Station Metro area section of the 1992 Master Plan to change 1023 Queen Street from Residential Medium to Commercial Low.

APPLICANT: Joseph Fennell, by Sandra J. Boek, attorney.

PLANNING COMMISSION ACTION MAY 4, 1993:

On a motion by Mr. Wagner, seconded by Ms. Fossum, the Planning Commission voted to defer consideration of Master Plan Amendment 93-003. The motion carried 7-0.

Reason

The Planning Commission felt that this application should be considered along with a rezoning application containing proffers that address compensation to the City for the City's investment in this property.

Speakers

Sandra Boek spoke for the applicant.

PLANNING COMMISSION ACTION JUNE 1, 1993: On a motion by Ms. Fossum seconded by Mr. Komoroske, the Planning Commission voted to recommend approval of the Master Plan amendment. The motion carried 6-0, with Mr. Wagner absent.

Reason

The Planning Commission agreed with the staff recommendation, given the proffers offered by the applicant for the rezoning.

Speakers

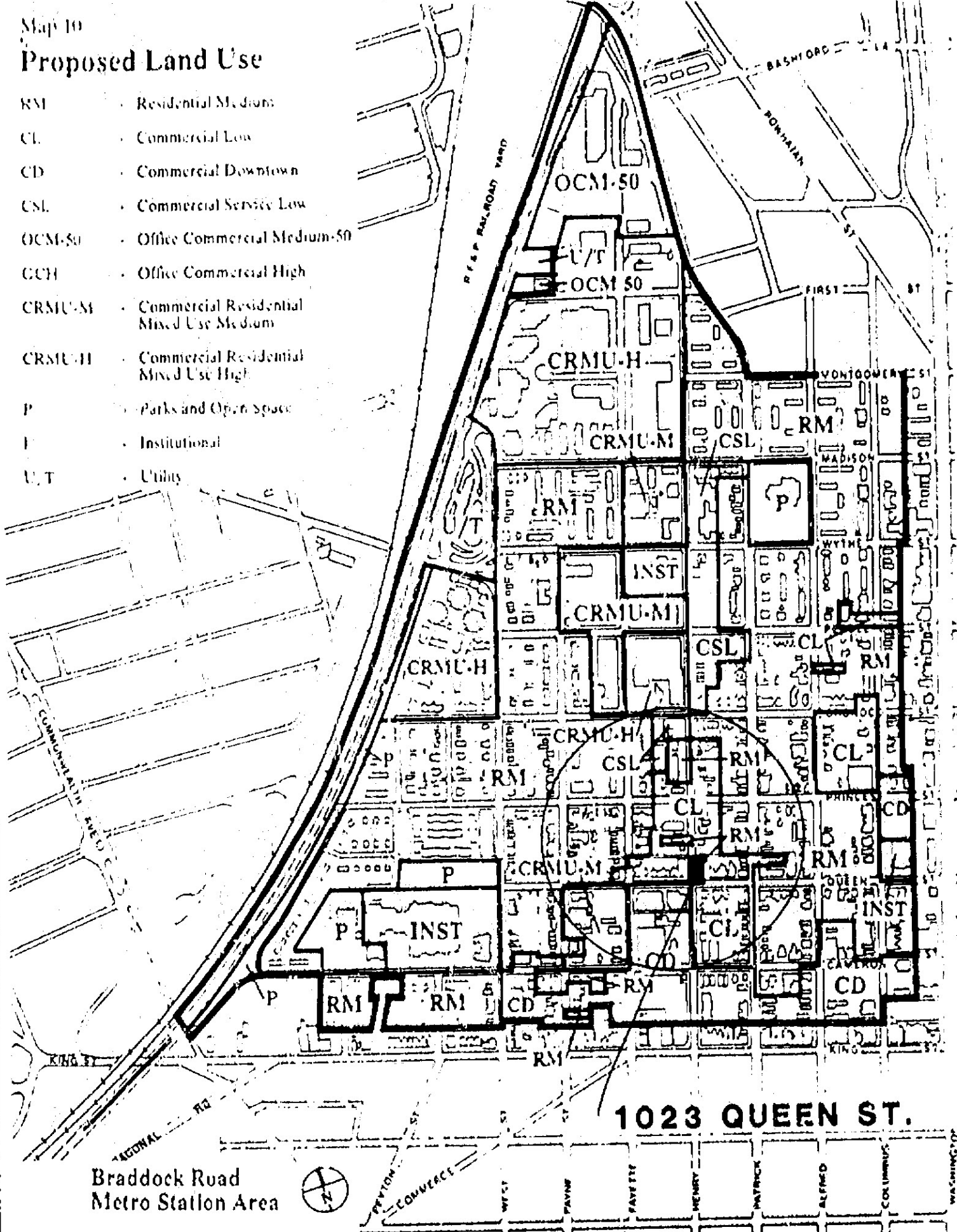
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CITY COUNCIL ACTION ALTERNATIVES: Council can approve or deny this amendment with a simple majority vote. If the Council approves the amendment, this item should be referred to the City Attorney for preparation of an ordinance.

STAFF RECOMMENDATION: Staff recommends approval of the proposed amendment.

# Proposed Land Use

- RM - Residential Medium
- CL - Commercial Low
- CD - Commercial Downtown
- CSL - Commercial Service Low
- OCM-50 - Office Commercial Medium-50
- OCH - Office Commercial High
- CRMU-M - Commercial Residential Mixed Use Medium
- CRMU-H - Commercial Residential Mixed Use High
- P - Parks and Open Space
- I - Institutional
- U.T - Utility



Braddock Road  
Metro Station Area

1023 QUEEN ST.

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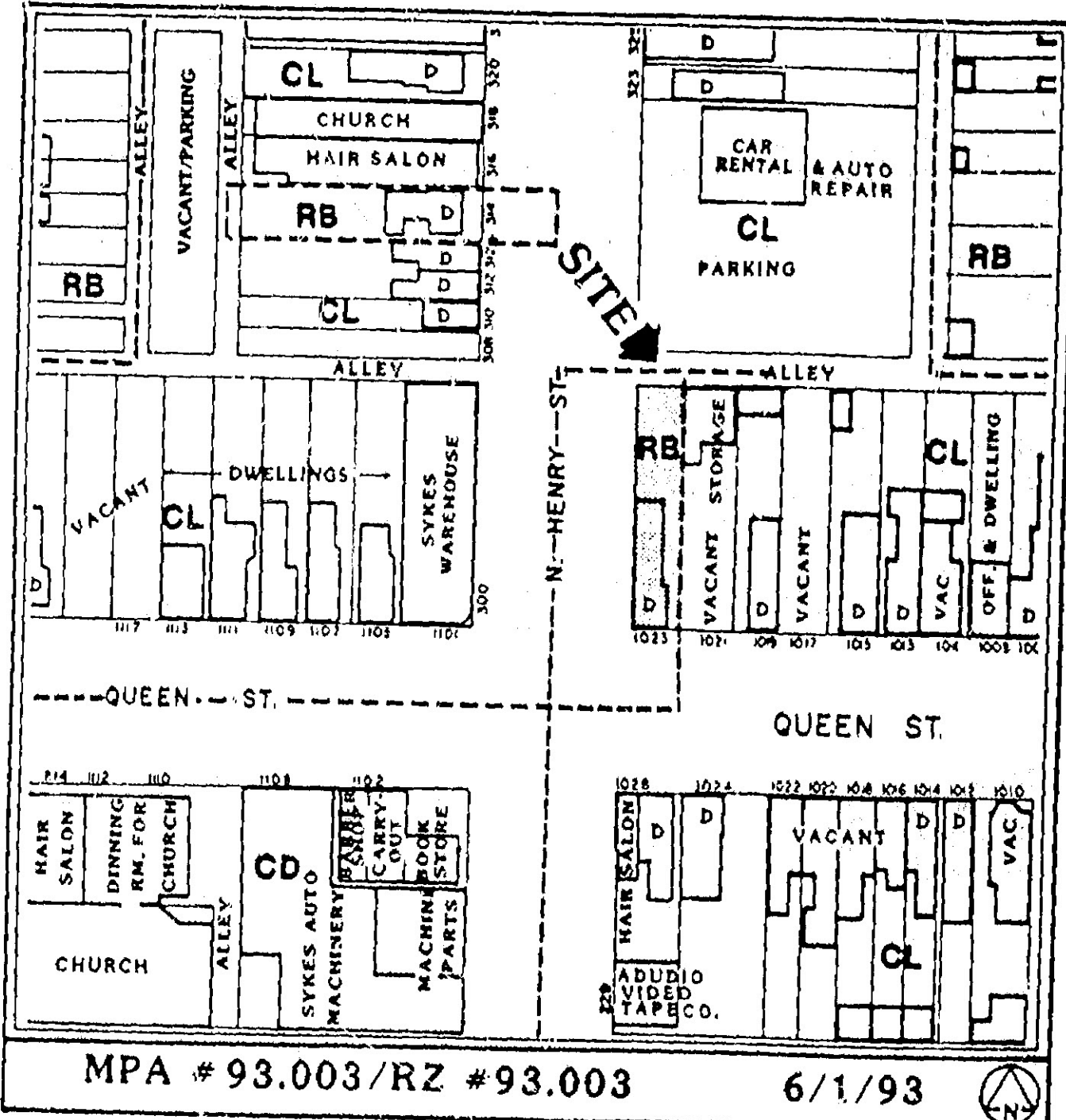
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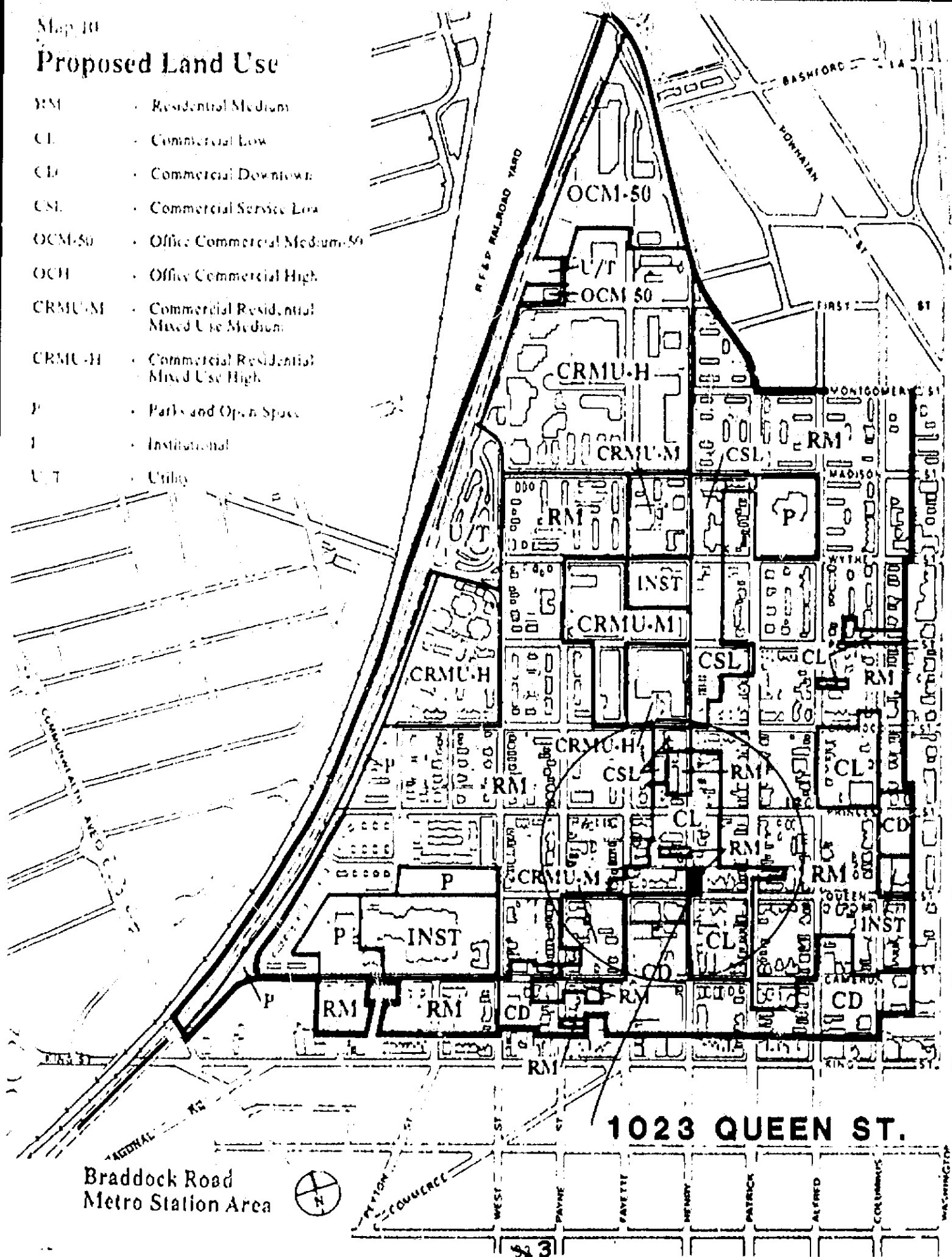
The subject property and surrounding land uses are shown on the sketch below:





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Braddock Road  
Metro Station Area

1023 QUEEN ST.

## BACKGROUND

The applicant is requesting a change in land use designation for the property at 1023 Queen Street from RM-Residential Medium to CL-Commercial Low, with the intention of rezoning the property from the existing RB to CL. The lot is located at the northeast corner of Queen and Henry Streets and is developed with a two-story single family dwelling.

The surrounding area is a mix of commercial and residential uses, as shown on the map on the preceding page. Adjacent to the site on the north along Henry Street is Oxford car rental and car repair. Adjacent to the site to the east, along Queen street, are a number of other dwelling units, some vacant, and vacant lots. Across Queen street to the south are a number of dwelling units, many of which are vacant. Facing the property across Henry Street is a warehouse.

The site, with its RB land use and zoning designation, is surrounded entirely by areas designated CL Commercial Low. The property was rezoned from C-3 to RB in 1978 by the City in conjunction with the rehabilitation of the unit on the lot. The subject property was purchased as a blighting influence as part of the Potomac East Conservation Plan program. The Alexandria Redevelopment and Housing Authority purchased the building and land for the purpose of converting it from a restaurant to a single-family detached dwelling unit. As part of the Conservation Plan the plan administrators determined that a rezoning of the property was needed so that the use and zoning were compatible, and the property was rezoned to residential before it was resold to Mr. Fennell.

When staff drafted the Braddock Road Metro Station Area plan, 1023 Queen Street was kept in a residential designation specifically because it had been renovated for residential use through a City program.

Currently, the property is vacant. The owner/applicant, Mr. Fennell, has indicated that he has attempted to sell and/or rent the property for residential use for over a year. According to the applicant's attorney, the property has been listed with Long & Foster Realty for sale from 5/91 to 9/92 and for rent from 11/91 to 4/92. During this period, the applicant found one tenant interested in leasing the unit, but that tenant was mugged on the property shortly after moving in and then moved out.

## DISCUSSION

One of the fundamental goals of the Braddock Road Metro Station Area plan is to preserve existing residential uses. The Inner City Civic Association opposes the change from residential to commercial for 1023 Queen Street for this reason. They feel the rezoning to commercial would allow a further intrusion of commercial uses into a primarily residential area.

However, this parcel, located at the northeast corner of Henry and Queen Streets, is in the midst of a larger area that is already zoned for commercial use and a change in its use to commercial would not represent an intrusion into a residential area. The Small Area plan shows a commercial corridor running a half block deep along Henry Street and spreading to a depth of several blocks as one moves south across Queen Street into the Central Business District. The subject parcel is one of very few residentially zoned parcels within this corridor. While there are a number of dwelling units in the corridor, almost all of them have commercial zoning. If this parcel had not been rehabilitated for residential use under a City program and rezoned in 1978 in accordance with the goals of that program, this parcel would probably have been included in the area designated commercial when the Braddock Road plan was drafted. Staff believes that this parcel's location along Route 1, adjacent to and across from primarily commercial uses, and surrounded by other parcels with commercial zoning, are good reasons for granting the applicant's request.

However, there is also a larger policy issue here for the City because the unit was purchased, rehabilitated and sold to the current owner under the auspices of a City program aimed at rehabilitating structures to provide affordable dwelling units, and because the parcel was rezoned to residential as part of that process.

Staff is not aware of any similar situations that have occurred in the past. The Office of Housing has indicated that there is no formal policy that would prohibit the rezoning to commercial, nor is there anything in the deed or in the loan agreement with the property owner (the City holds the second mortgage) that would prohibit the rezoning, although they would prefer to see the property remain in residential use. The Office of Housing has indicated that the City can call in Mr. Pennell's second mortgage, recovering the City's investment in the unit, if Mr. Pennell stops living in the unit.

Staff has considered both the land use issue and the housing policy issue in making its recommendation to change the designation of the property from Residential Medium to Commercial Low. Because the land use and zoning rationales for supporting the rezoning are very strong, staff recommends approval of the master plan amendment to change 1023 Queen Street from Residential Medium to Commercial Low.

**STAFF:** Sheldon Lynn, Director, Planning and Community Development; Kimberley Johnson, Principal Planner.

Attachments: 1) Draft Resolution  
2) Letter from Va. Development Housing Authority  
2) Application for Master Plan Amendment

RESOLUTION NO. MPA-93-3

WHEREAS, under the Provisions of Section 9.05 of the City Charter, the Planning Commission may adopt amendments to the Master Plan of the City and submit to the City Council provisions in said plans as changing conditions may make necessary; and

WHEREAS, an application for amendment to the BRADDOCK ROAD METRO STATION SMALL AREA PLAN section of the 1992 Master Plan was filed with the Department of Planning and Community Development in February 1993 for changes to the land use designation for the parcel at 1023 Queen Street; and

WHEREAS, the Department of Planning and Community Development has analyzed the proposed revision and presented its recommendations to the Planning Commission; and

WHEREAS, a duly advertised public hearing on the proposed amendment was held on May 4, 1993 and June 1, 1993, with all public testimony and written comment considered; and

WHEREAS, the Commission finds that:

1. The proposed amendment is necessary and desirable to guide and accomplish the coordinated, adjusted and harmonious development of the BRADDOCK ROAD METRO STATION section of the City; and
2. The proposed amendment is generally consistent with the overall goals and objectives of the 1992 Master Plan and with the specific goals and objectives set forth in the BRADDOCK ROAD METRO STATION section of the 1992 Master Plan; and
3. The proposed amendment shows the Commission's long range recommendations for the general development of the BRADDOCK ROAD METRO STATION AREA; and
4. Based on the foregoing findings and all other facts and circumstances of which the Commissions may properly take notice in making and adopting a master plan for the City of Alexandria, adoption of the amendment to the BRADDOCK ROAD METRO STATION AREA section of the 1992 Master Plan will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the residents of the City;

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Alexandria that:

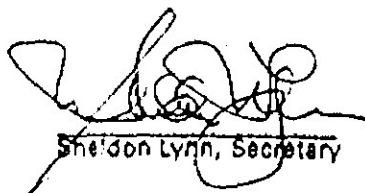
1. The following amendment is hereby adopted in its entirety as an amendment to the BRADDOCK ROAD METRO STATION section of the 1992 Master Plan of the City of Alexandria, Virginia in accordance with Section 9.05 of the Charter of the City of Alexandria, Virginia:

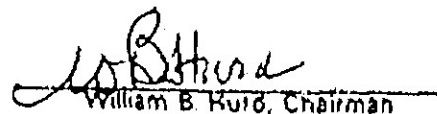
Change the designation of 1023 Queen Street (Tax parcel 64.04 05 011 from Residential Medium (RM) to Commercial Low (CL).

2. This resolution shall be signed by the Chairman of the Commission and attested by its secretary, and a true copy of this resolution forwarded and certified to the City Council.

ADOPTED THE 1st DAY OF JUNE, 1993.

ATTEST:

  
Sheldon Lynn, Secretary

  
William B. Ruid, Chairman

RESOLUTION NO. MPA-93

WHEREAS, under the Provisions of Section 9.05 of the City Charter, the Planning Commission may adopt amendments to the Master Plan of the City and submit to the City Council provisions in said plans as changing conditions may make necessary; and

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NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Alexandria that:

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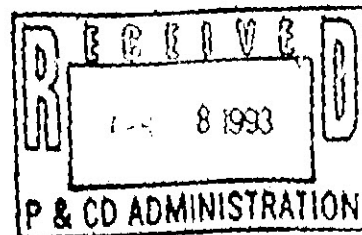
2. This resolution shall be signed by the Chairman of the Commission and attested by its secretary, and a true copy of this resolution forwarded and certified to the City Council.

ADOPTED THE 1st DAY OF JUNE, 1993.

\_\_\_\_\_  
William B. Hurd, Chairman

ATTEST:

\_\_\_\_\_  
Sheldon Lynn, Secretary



April 7, 1993

Ms. Kimberly Johnson  
Department of Planning and Community Development  
301 King Street, Room 2100  
Alexandria, Virginia 22314

Re: Rezoning of 1023 Queen Street  
Owner: Joseph M. Fennell  
Lienholder: Virginia Housing Development Authority

Dear Ms. Johnson:

It is our understanding that there has been a request to re-zone the captioned property in order to allow commercial use. We oppose such re-zoning as it would be contrary to the purpose of our single family loan program.

That program permitted us to make the loan to Mr. Fennell only because the property was to be used as an owner-occupied, single family residence. We would not have made the loan had we known the property would ever be used as commercial property.

We do not think that the locality should advance the change in use, where such a change violates the purposes of the Commonwealth's housing loan program.

Sincerely,

Patrick K. Corey  
Assistant Director  
Single Family Division

PKC:kdc

cc: Ms. Kimberly Johnson, FAX 703/838-4948



**APPLICATION FOR MASTER PLAN AMENDMENT  
AND/OR ZONING MAP AMENDMENT**

**MPA # 93-03  
ZMA #**

**A TYPE OF APPLICATION: (Check One)**

Master Plan

Zoning Map

☒

Master Plan and Zoning Map

**B APPLICANT**

Name Joseph Fennell c/o  
Sandra J. Boek

Telephone  
(703) 548-4977

Address 526 King Street Suite 213  
Alexandria, Virginia 22314

INTEREST IN  
PROPERTY  
(Check One)

Owner

Contract Purchaser

☒

Other (specify)

Developer

Lessee Attorney for Owner

If property owner or applicant is being represented by an authorized agent such as an attorney, a realtor, or other person for which there is some form of compensation, does this agent or the business in which they are employed have a business license to operate in Alexandria: Yes ☒ No ☐ If yes, provide proof of current City business license. If no, said agent shall be required to obtain a business license prior to filing application.

**C PROPERTY OWNERSHIP (Check One)**

☒

Individual Owner

Corporation or Partnership Owner

Identify each person or individual with ownership interest, or, if Corporation or Partnership Owner, each person with more than 10% interest in such Corporation or Partnership

1

Name Joseph M. Fennell

Extent of Interest

Address 1023 Queen Street  
Alexandria, Virginia 22314

100 %

2

Name

Extent of Interest

Address

3

Name

Extent of Interest

Address

CHECK HERE IF CONTINUED ON SEPARATE ATTACHED SHEET \_\_\_\_\_



**APPLICATION FOR MASTER PLAN AMENDMENT  
AND/OR ZONING MAP AMENDMENT**

**MPA #  
ZMA #**

**D PROPERTY INFORMATION**

Provide the following information for each property for which an amendment is being requested.

	Address and Tax Map-Blk-Lot No.	Use		Master Plan Designation		Zoning Designation		Street Front- age (Feet)	Land Area (Acres)
		Existing	Proposed	Existing	Proposed	Existing	Proposed		
1	1023 Queen-St. 6404 05 01	Res.	Office	RM	CL	RB	CL	20ft	.045
2									
3									
4									
5									
6									
7									
8									
9									
10									

CHECK HERE IF CONTINUED ON SEPARATE ATTACHED SHEET \_\_\_\_\_

**E JUSTIFICATION FOR AMENDMENT**

- 1 Explain how and why the proposed amendment(s) is necessary, desirable, beneficial to surrounding properties, in character with the applicable Small Area Plan and consistent with City policies.

This change would promote consistency of use in the area in which the parcel is located. The adjoining properties have zoning ranging from various commercial zonings to residential, with the former predominating. As you will see from the photographs of the structures in the area immediately surrounding Mr. Fennell's property submitted with this request, the actual land use is dominated by commercial establishments and office buildings. See Exhibits A (photographs) and B (diagram of current establishments in the immediate area).

The requested change in zoning is generally consistent with the Braddock Metro Station Small Area Plan and involves only 2,000 square feet of land. As this is an almost negligible percentage of the entire area, the overall goal will not be affected.

C-L zoning is the best use of the property for the reasons set forth herein. In addition, the structure is virtually isolated, surrounded by many commercial establishments and office space.

CHECK HERE IF STATEMENT CONTINUES ON SEPARATE ATTACHED SHEET X

- 2 Explain how the property proposed for reclassification will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools.

There is more than adequate on street parking in the immediate area, located on Queen Street to accommodate the few potential office workers that the small two story structure would accommodate. In addition, commercial parking lots are located within a two block area, including in 1101 King St.

Access to the property is by way of North Henry St. and Queen St. Police and Fire protection as well as drainage, refuse disposal, water and sewers would not be affected by the zoning change nor the prospective use of the property.

CHECK HERE IF STATEMENT CONTINUES ON SEPARATE ATTACHED SHEET \_\_\_\_\_

To maintain the current zoning and refuse this request/application would be to fail to recognize the actual existing character of the neighborhood and to deprive Mr. Fennell of the effective and best use of his property. Please note that the following commercial establishments are located in a one block radius:

- Wetland Studio and Solutions
- Jim's Groceries Deli
- A&G Convenience Store
- Hair Technique
- Communicaids
- I.B.P.O.E. of W. Lodge
- Armstrong Carpet
- Gas Station
- Bradham Auto Electric Service
- Modern Machine & Parts
- Liberation Books
- Chick and Family Take-out Restaurant
- Barber shop
- Sykes Warehouse Engine Parts
- Hair, Etc.
- 7-11 convenience store
- Oxford Transmissions
- Run down building with sign advertising North Carolina Barbecue and filled with debris located directly behind property
- Building with sign "Commercial Real Estate For Sale by McEneaney Realty"

Many of the residences that do exist in the one block area are boarded up and appear to be condemned. The World Trade Center, a large office building, is located two blocks south of the property.

**APPLICATION FOR MASTER PLAN AMENDMENT  
AND/OR ZONING MAP AMENDMENT**

**MPA #  
ZMA #**

**E JUSTIFICATION FOR AMENDMENT (CONTINUED)**

- 3 If this application is for conditional zoning approval pursuant to section 11-804 of the zoning code, identify all proffered conditions that are to be considered part of this application (See zoning code section 11-804 for restrictions on conditional zoning).

not applicable

CHECK HERE IF STATEMENT CONTINUES ON SEPARATE ATTACHED SHEET \_\_\_\_\_

I certify that the information supplied for this application is complete and accurate, and, pursuant to Section 11-3018 of the Zoning Ordinance, hereby grant permission to the City of Alexandria, Virginia, to post placard(s) notice on the property(ies) which is the subject of this application.

Name of Owner or Authorized Agent (print or type)

Sandra J. Boek, Esq.

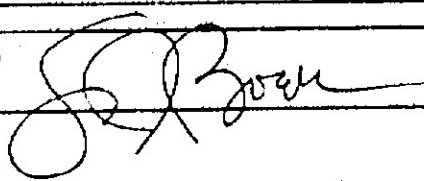
Telephone

(703) 548-4977

Address 526 King Street

Alexandria, Virginia 22314

Signature



Date ~~July 31, 1992~~

February 26, 1993

**FOR CITY STAFF USE ONLY**

Date Application Received: 2-26-93

Fee Paid: \$ 400.00

Date Application Complete: 2-26-93

Staff Reviewer: KAJ

Date Planning Commission Public Hearing:

Action

Date City Council Public Hearing:

Action

Date Ordinance Adopted

Number

POST THIS PORTION IN PUBLIC VIEW.

LICENSE NO 192-3383

91-871-07

1992  
BUSINESS LICENSE

THIS LICENSE EXPIRES  
DECEMBER 31, 1992 AND  
MUST BE RENEWED BY  
JANUARY 31, 1993 TO AVOID  
PENALTIES AND INTEREST.

DEPARTMENT OF FINANCE  
BUSINESS TAX BRANCH  
CITY HALL - ROOM 1500  
ALEXANDRIA, VA 22313  
(703) 838-4600

TRADE NAME SANDRA J BOEK

BUSINESS ADDRESS 526 KING ST #213

BUSINESS DESCRIPTION ATTORNEY AT LAW

LICENSEE AND MAILING ADDRESS

BOEK SANDRA J  
526 KING ST #213  
ALEXANDRIA, VA 22314

NOT VALID WITHOUT CURRENT YEAR LICENSE NUMBER.

11073

918 MAR 20

THIS DEED, made this 19th day of October, 1978, by and between ALEXANDRIA REDEVELOPMENT AND HOUSING AUTHORITY, a political subdivision organized and existing under the laws of the Commonwealth of Virginia, party of the first part; and JOSEPH M. PENNELL, unmarried, party of the second part,

## W I T N E S S E T H I

That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, receipt whereof is hereby acknowledged, the party of the first part does hereby grant, bargain, sell and convey unto the party of the second part, with SPECIAL WARRANTY of Title, all that certain lot or parcel of land, situate and being in the City of Alexandria, Virginia, and being more particularly described as follows:

BEGINNING at the intersection of the North side of Queen Street with the east side of Henry Street, and running thence east on Queen Street 20 feet; thence north parallel to Henry Street 100 feet to an alley fifteen feet wide; thence west on said alley 20 feet to Henry Street; thence south on Henry Street 100 feet to the beginning.

AND BEING the same property conveyed to Alexandria Redevelopment and Housing Authority by Deed from William Lewis, etc., dated March 4, 1977 and recorded March 11, 1977 in Deed Book 851 at Page 203, among the land records of the City of Alexandria, Virginia.

Legal  
Description

This conveyance is made subject to conditions, valid restrictions and rights of way of record.

WITNESS the following signature and seal:

ALEXANDRIA REDEVELOPMENT AND HOUSING AUTHORITY, a political subdivision organized and existing under the laws of the Commonwealth of Virginia

By:

Rose E. Butler

STATE OF VIRGINIA

CITY OF ALEXANDRIA, to-wit:

The foregoing instrument was acknowledged before me this 19 day of October, 1978, by Rose E. Butler, as True Claimant of ALEXANDRIA REDEVELOPMENT AND HOUSING AUTHORITY, on behalf of said political subdivision.

My Commission Expires

Notary Seal

Tax Map #64-03-05-01

Mailing Address of Grantee:  
1023 Queen Street  
Alexandria, Virginia 22314

Rose E. Butler  
Notary Public

NOTARIAL

IN WITNESS WHEREOF, I have hereunto set my hand and the Great Seal of the Commonwealth of Virginia, this 19th day of October, 1978, at Alexandria, Virginia.

10-20-78 2:25 PM

Thomas E. Johnson  
Clerk

